

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GLEND A JOHNSON, Special Administrator of
the Estate of Victor Rogers, Jr.,

Plaintiff,

vs.

STATE OF NEBRASKA; NEBRASKA STATE
PATROL; LIVE ON NEBRASKA; ANN
INDIGMA, in her Official and Individual
Capacities; BRYAN WEST HOSPITAL; and
JOHN DOES 1-100, in Their Individual and
official capacities,

Defendants.

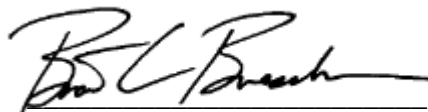
4:22CV3192

**ORDER DENYING MOTION FOR
EXTENTION OF TIME TO SERVE
COMPLAINT AND FOR APPOINTMENT
OF COUNSEL**

This case is before the Court on the February 24, 2023, *pro se* Plaintiff's Motion asking for more time for "the mail [to] come back," presumably to show acceptance of service, and requesting that the Court appoint a lawyer. [Filing 17](#). On February 16, 2023, the Court accepted the February 14, 2023, Findings and Recommendation by Magistrate Judge Michael D. Nelson, [Filing 14 at 2](#), and dismissed this case in its entirety without prejudice for failure of counsel to appear as required to represent the estate, and for failure to obtain service of process within the time provided by Rule 4(m) of the Federal Rules of Civil Procedure. Under the circumstances, a belated extension of time to obtain service of process is not warranted. Also, there is no mandatory duty to appoint counsel in a *pro se* civil case. [Caran v. Bowen](#), 834 F.2d 720, 721 n.5 (8th Cir. 1987); [Tisdale v. Dobbs](#), 807 F.2d 734, 737 (8th Cir. 1986). It is inappropriate to do so where the plaintiff was able to pay the filing fee but the case was dismissed for lack of timely service.

Dated this 14th day of March, 2023.

BY THE COURT:



Brian C. Buescher
United States District Judge